

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PROTECTIVE LIFE INSURANCE :
COMPANY, :
v. :
CHERYL MEHRKAR and STACY N. :
PREVITE, as Personal Representative of THE :
ESTATE OF ANTHONY LOUIS PREVITE, :
Interpleader Defendants.
-----x

1/31/23

ORDER

22 cv 10275 (VB)

On December 5, 2022, interpleader plaintiff commenced the instant action against interpleader defendants. (Doc. #1).

On December 6, 2022, the Clerk of Court issued summonses as to interpleader defendants. (Docs. ##5–6).

On December 13, 2022, interpleader plaintiff docketed proof of service indicating service on interpleader defendant Stacy N. Previte on December 12, 2022. (Doc. #8). Accordingly, Previte had until January 3, 2023, to respond to the complaint. See Fed. R. Civ. P. 12(a)(1)(A)(i).

On January 5, 2023, interpleader plaintiff docketed proof of service indicating service on interpleader defendant Cheryl Mehrkar on January 2, 2023. (Doc. #9). Accordingly, Mehrkar had until January 23, 2023, to respond to the complaint. See Fed. R. Civ. P. 12(a)(1)(A)(i).

To date, interpleader defendants have neither appeared in this action nor answered, moved, or otherwise responded to the complaint.

Accordingly, provided that interpleader defendants remain in default, plaintiff is ORDERED to seek a certificate of default as to interpleader defendants by **February 14, 2023**, and thereafter to move, by order to show cause and in accordance with the Court's Individual Practices, for default judgment against interpleader defendants by **February 28, 2023**. If

plaintiff fails to satisfy either deadline, the Court may dismiss the case without prejudice
for failure to prosecute or failure to comply with court orders. Fed. R. Civ. P. 41(b).

Dated: January 31, 2023
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge